

TEMPORARY

GEN-7 to GEN-3 T

No. 68935-T

SECOND AMENDED TEMPORARY APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office JUL 03 2002

Returned to applicant for correction AUG 19 2002

Corrected application filed OCT 04 2002

Map filed OCT 04 2002 under 68934

The applicant **Newmont Gold Company** hereby makes application for permission to change the **point of diversion and place of use of a portion** of water heretofore appropriated under permit **52354**

1. The source of water is **Underground; Genesis Mine; Well GEN-3**
2. The amount of water to be changed **0.45 cfs**
3. The water to be used for **mining, milling, and domestic**
4. The water heretofore permitted for **mining, milling, and domestic**
5. The water is to be diverted at the following point **within the NW¼ of the SW ¼ of section 32, T36N, R50E, M.D.M., at a point from which the SE corner of section 03, T35N, R50E, M.D.M. bears S 34°03'57" E a distance of 9490.68 feet.**
6. The existing permitted point of diversion is located within **NE¼ SE¼, Section 29, T36N, R50E, M.D.M., at a point from which the SW corner of section 32, T36N, R50E, M.D.M. bears S 32°17'04" W a distance of 9014.71 feet.**
7. Proposed place of use **all sections 3 and 4, T35N, R50E, and SW¼ section 28, S½ section 29, all sections 30, 31, 32, and W½ section 33, T36N, R50E, M.D.M.**
8. Existing place of use **Section 32, T36N, R50E, M.D.M.**
9. Use will be from **January 01 to December 31** of each year.
10. Use was permitted from **January 01 to December 31** of each year.
11. Description of proposed works **A drilled and cased well equipped with a pump, motor, totalizing flowmeter, and a pipeline to the place of use.**
12. Estimated cost of works **completed**
13. Estimated time required to construct works **completed**
14. Estimated time required to complete the application of water to beneficial use **N/A**
15. Remarks: **This application is submitted to temporarily cover increased water use while a concurrent application to change additional permanent water rights is considered. Any permit issued under this application is withdrawn upon approval of such permanent water rights.**

By **s/Paul M. Pittit**
P. O. Box 669
Carlin, Nevada 89822

Compared sg/cmf lb/cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions.

This temporary permit to change the point of diversion and place of use of a portion of the waters of an underground source as heretofore granted under Permit 52354 is issued subject to the terms and conditions imposed in said Permit 52354 and with the understanding that no other rights on the source will be affected by the change proposed herein. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. This source is located within an area designated by the State Engineer pursuant to NRS 534.030.

This temporary permit will allow the permittee to dewater the pit area and underground mine workings. In the interest of the best and most efficient management of the resource, any water obtained as a result of the dewatering operation of Newmont Gold Company will be used first by the permittee for mining, milling, heap leaching, drilling, road watering, and other related mining and milling uses hereafter referred to as mining and milling uses before usage from the water supply wells.

The total combined consumptive duty of water under Permits 49960; 50688, Certificate 13878; 50939, Certificate 13880; 51074, 51750, 51963, 52354, 52795, Certificate 13396; 52797, Certificate 13397; 52999, 53000, 54335, 54337, 55127, 56607, 56608, 56609, 56610, 56611, 56612, 63984, 63985, 63986, 63987, 63988, 63989, and Temporary Permits 68566-T, 68935-T, 69150-T and 69151-T will not exceed 2,000 million gallons annually.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies and is specifically issued contingent upon approval by the Nevada Division of Environmental Protection of the dewatering project.

A monthly report will be submitted to the State Engineer within 10 days after the end of each month that will include measurement of the volume of water pumped, and the volume of water consumptively used for mining and milling purposes projectwide.

A year-end report will be submitted to the State Engineer no later than 45 days after the end of each calendar year. The report will state: (1) the number of wells drilled under the permits, (2) the number of abandoned wells, (3) the exact location of each well drilled or abandoned, and (4) a supporting map illustrating well locations.

This Temporary permit is issued subject to the Water Management Plan and Water Management Addendum among Barrick Goldstrike Mines, Inc; Newmont Gold Company; and TS Ranch Joint Venture dated May 1, 1989, on file in the Office of the State Engineer.

All water pumped from this permit shall be utilized or infiltrated back into the Boulder Flat Groundwater Basin. If such disposal of the water becomes unrealistic, a written request with supporting documentation why such discharge is necessary must be submitted and approved by the State Engineer before such discharge takes place.

The State Engineer retains the right at any time to require the permittee cooperate in the funding of additional monitoring and modeling by an independent third party. The State Engineer retains the right to impose future conditions as necessary upon review and evaluation of all data submitted reporting on the dewatering plan. The State Engineer retains the right to regulate pumping from the dewatering project and/or any other groundwater withdrawals herein authorized to protect the public interest and existing rights.

(CONTINUED ON PAGE 3)

Upon permanent cessation of all mining, milling and dewatering purposes, all water granted under the permits will revert back to the source from which it was appropriated, except for any water requirements needed for any mine closure plan and/or to mitigate any adverse impacts caused by dewatering.

All of the above stated conditions are issued subject to having no adverse impacts on existing rights.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **December 19, 2003** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.45 cubic feet per second, but not to exceed 193.563 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed before:

Water must be placed to beneficial use on or before:

Proof of the application of water to beneficial use shall be filed on or before:

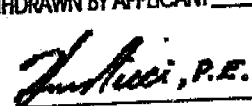
Map in support of proof of beneficial use shall be filed on or before:

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 20th day of December, A.D. 2002


State Engineer

WITHDRAWN BY APPLICANT FEB 17 2003
 STATE ENGINEER